

REMARKS

Reconsideration of the present application is respectfully requested. Claims 1 and 12-15 have been amended. No claims have been canceled or added.

Claims 1-25 were rejected under 35 U.S.C. § 103a) based on U.S. Patent no. 5,253,412 of Fukuoka et al. ("Fukuoka"). The Examiner also objected to the drawings.

Drawing Objections

Enclosed herewith is a set of replacement drawings, which have been formalized by a draftsman. The replacement drawings include the following minor changes:

The legend "(Prior Art)" has been added to Figures 1A and 1N;

In Figure 2, one occurrence of reference numeral 133 has been changed to 150;

In Figure 5, reference numeral 135 has been added to be more consistent with Figure 4.

Changes to the Specification

Minor changes to the specification have been made to correct inconsistencies in reference numerals. No new matter has been added.

In addition, a minor error has been corrected in paragraph [0028]. No new matter has been added, particularly since this minor change makes the language consistent with several other related statements in the same paragraph.

Prior Art Rejection

Applicants respectfully traverse the rejection, for the reasons stated below. The above amendments to the claims are not made in response to the rejections or to comply with any requirement of patentability, since as explained below, no amendments are believed to be necessitated by the prior art. The above amendments are made only to place the claims in what Applicant considers to be a better form to protect the invention. Therefore, to the extent the Examiner may assert a new rejection in response to this amendment, based on different prior art, such rejection must not be made final.

The claims stand rejected under 35 U.S.C. § 103(a) based on Fukuoka. Fukuoka describes an apparatus for “processing” optical fibers, including removing the jacket around the optical fibers, cleaning the exposed fibers and cutting the fibers to a specified length. See, generally, Fukuoka abstract and col. 1, lines 27-36.

The present invention, on the other hand, generally pertains to a light cable interface, designed to be incorporated into an endoscopic light source unit, to securely hold a light cable inserted into the light source unit. The invention enables one-handed insertion of a light cable into the light source unit, while accommodating and securely holding a light cable that can be any of various sizes.

Claim 1 (as amended) recites:

1. (Currently amended) An apparatus, comprising:
a base;
a jaw assembly coupled to the base; and
a latch coupled to the base to **hold the jaw assembly open**, the jaw assembly defining an aperture when open, the latch allowing the jaw

assembly to close around a cable to secure the cable in response to insertion of the cable into the aperture. (Emphasis added).

Fukuoka fails to disclose or suggest such an apparatus, particularly one which comprises a latch coupled to the base to hold the jaw assembly open. Note that this limitation was present in the original claims; the above claim amendments did not affect this language.

The Examiner equates element 18 in Fukuoka to the latch recited in claim 1 (Office Action, p. 3). However, element 18 in Fukuoka is not a latch, nor does it even function to hold a jaw assembly open or in any particular position. Element 18 in Fukuoka (see Figures 3 and 6) is a pivotable arm, which is used to press the optical fiber holder 15 against stopper 12b, when the clamping cylinder 17c is actuated to secure the fiber between plates 17a and 17b. Arm 18 does not hold fixing means 16 or clamping means 17 (or any other element that could be considered a jaw assembly) in any position, much less in the open position.

Fukuoka states:

As shown in FIG. 3, on the movable table 12 are installed a fixing means 16 which fixes a holder 15 holding the jacketed optical fiber 50; . . . an L-shaped arm 18 which is in contact with the rear of the holder 15 to energize it forward; and a stopper 12b which stops the holder 15, which is energized forward, by contacting the front of the holder 15. Col. 6, lines 20-27 (emphasis added).

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The arm 18 is located between the fixing means 16 and the clamping means 17, and it includes an energizing arm 18a which energizes the rear of the holder 15, and a release arm 18b which releases the energization. The arm 18 is supported on movable table 12 by a support shaft 18c at the crossing of the arms 18a and 18b, and is

allowed to rotate. Also, the arm 18 has a tension spring 19 installed between the end of the energizing arm 18a and the fixing wall 16a, and it is always energized toward the holder 15 so that the energizing arm 18a comes in contact with the rear of the holder 15. Col. 6, line 66 – col. 7, line 8 (emphasis added).

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At this time, when the cylinder rod 17e comes out, the release arm 18b comes in contact with the rear of the clamping plate 17b. This causes the arm 18, whose rotation has been inhibited, to rotate counterclockwise around the support shaft 18c by the tensile force of the tension spring 19 as shown by the arrow in FIG. 6. This in turn causes the energizing arm 18a of the arm 18 to push the back of the holder 15 whose front contacts the stopper 12b of the movable table 12, thereby positioning the holder and fixing it between the fixing wall 16a and the pressing plate 16b. Col. 9, line 66 – col. 10, line 8 (emphasis added).

Thus, the purpose of arm 18 in Fukuoka is solely to press holder 15 against stopper 12b. Arm 18 does not hold fixing means 16 or clamping means 17 (or any element that could be considered a jaw assembly) in any position, much less in the open position. Note that the only way disclosed in Fukuoka of placing the fixing means 16 or clamping means 17 in any particular position (open or closed) is through the activation or deactivation of pressing cylinder 16c or clamping cylinder 17c, respectively, neither of which can be considered a latch.

Therefore, Fukuoka fails to disclose or suggest an apparatus that comprises a latch coupled to the base to hold the jaw assembly open. For at least this reason, therefore, claim 1 and all claims which depend on it are not rendered unpatentable by Fukuoka. As noted above, this limitation was present in claim 1 as originally filed; hence, the above amendments were not necessitated by the cited art.

Furthermore, notwithstanding the above remarks, Fukuoka also fails to disclose or suggest an apparatus in which the latch allows the jaw assembly to close to secure the cable in response to insertion of the cable into the aperture, as recited in claim 1. Fukuoka discloses that the pressing cylinder 16c or clamping cylinder 17c must be actuated to close the fixing means 16 or the clamping means 17, but does not disclose or suggest that the apparatus can do that by itself in response to insertion of an optical fiber. The logical assumption, therefore, is that actuation of the pressing cylinder 16c or the clamping cylinder 17c to close fixing means 16 or clamping means 17 must be triggered by some action by a human operator (other than just inserting the optical fiber). For this additional reason, therefore, claim 1 and all claims which depend on it are not rendered unpatentable by Fukuoka.

Claim 12 recites:

12. (Currently amended) A method comprising:
receiving a light transmission cable inserted into an aperture defined by a jaw assembly in an opened position;
releasing a latch which holds the jaw assembly in the opened position in response to the light transmission cable being inserted into the aperture; and
moving the jaw assembly into a closed position around the light transmission cable in response to the latch being released, so as to secure the light transmission cable in the jaw assembly. (Emphasis added.)

Fukuoka does not disclose or suggest a method which comprises releasing a latch which holds a jaw assembly in an opened position in response to a light transmission cable being inserted into an aperture. The discussion of claim 1 above

also applies to claim 12. Therefore, claim 12 and all claims which depend on it are not rendered unpatentable by Fukuoka.

Claims 16 and 20 include limitations similar to those discussed above regarding claims 12 and 1, respectively, and are therefore patentable for similar reasons along with their dependent claims.

Therefore, all of the pending claims are believed to be patentable over the cited art for the foregoing reasons.

Additional Remarks

The above discussion is believed to be more than adequate to overcome the rejections. Nonetheless, Applicant would like to submit the following remarks regarding the Examiner's rationale for finding the claimed invention obvious.

First, note that the cited prior art reference or references must teach or suggest all of the claim limitations to sustain an obviousness rejection. In the present case, the Examiner has admitted that Fukuoka fails to teach certain claim limitations. However, the Examiner cites no secondary prior art reference(s) or other basis for supplying the missing claim limitations, but instead just summarily concludes that those additional limitations are obvious. As such, the Office Action fails to set forth a *prima facie* case of obviousness.

Second, it is well-settled that to sustain an obviousness rejection, the prior art must suggest the desirability of combining the cited references (if applicable) or the

modification that would be needed to the cited reference to achieve the claimed invention. See In re Rouffet, 149 F.3d 1350, 1356 (Fed. Cir. 1998). The showing of this suggestion or motivation must be clear and particular findings of fact based on actual evidence, not merely broad conclusory statements. In re Dembiczak, 175 F.3d 994, 999 (Fed. Cir. 1999)(emphasis added). The suggestion or motivation must be found in the prior art, not merely manufactured by the Examiner with the benefit of hindsight.

In the present case, the suggestions/motivations to modify the teachings of Fukuoka, as alleged by the Examiner, are wholly inadequate to sustain an obviousness rejection. For example, regarding the recited “plunger actuator”, the Examiner states that “It would have been obvious . . . to rearrange the actuation of the slide actuator . . . because this would provide an efficient automated system” Office Action, p. 3 (emphasis added). This is exactly the type of overly-general, conclusory statement of alleged suggestion/motivation that the courts have consistently found to be inadequate. There is nothing in the prior art to substantiate this allegation of suggestion/motivation to modify Fukuoka. Similar inadequate allegations of suggestion/motivation are also found on page 4 of the Office Action.

To the extent the Examiner might consider maintaining the current rejection or asserting a new obviousness rejection, Applicant submits that any statement of alleged suggestion/motivation must be a clear and particular finding of fact based on evidence in the prior art, not just an overly-general, conclusory statement of the sort found in the present Office Action.

Dependent Claims

In view of the above remarks, a specific discussion of the dependent claims is considered to be unnecessary. Therefore, Applicants' silence regarding any dependent claim is not to be interpreted as agreement with, or acquiescence to, the rejection of such claim or as waiving any argument regarding that claim.

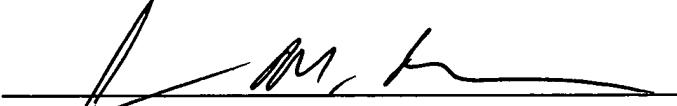
Conclusion

For the foregoing reasons, the present application is believed to be in condition for allowance, and such action is earnestly requested.

If there are any additional charges/credits, please charge/credit our deposit account no. 02-2666.

Respectfully submitted,
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